

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:22-cv-00156-MR**

AUSTIN REID PITTMAN,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
FNU CLAWSON,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the Court on Plaintiff's "Motion to Compel Subpoenaed Material From: Dennis Johnson, CEO, Catawba Valley Medical Center." [Doc. 45].

Pro se Plaintiff Austin Reid Pittman ("Plaintiff") is a prisoner of the State of North Carolina currently incarcerated at Central Prison in Raleigh, North Carolina. On October 19, 2022, he filed this action pursuant to 42 U.S.C. § 1983 against Defendant FNU Clawson, identified as a Correctional Sergeant at Alexander Correctional Institution, claiming Defendant Clawson violated his Eighth Amendment rights through the use of excessive force. [Doc. 1]. Plaintiff's Complaint survived initial review. [Doc. 8]. On May 15, 2023, on Plaintiff's request, the Clerk issued a Subpoena to the Catawba Valley Medical Center ("Medical Center"), commanding the Medical Center to

produce all of Plaintiff's medical records for care he received there on July 20, 2022. [Doc. 27]. The Subpoena commanded the Medical Center to produce the medical records by mail to Plaintiff at Central Prison within 14 days of service of the Subpoena. [Id.]. With his Subpoena, Plaintiff included an executed authorization to release of the subject medical records. [Doc. 27-1]. On May 30, 2023, the U.S. Marshal filed a Return of Service indicating that the Subpoena was served on the Medical Center on May 17, 2023. [Doc. 31]. On June 20, 2023, the Court denied Plaintiff's motion to compel the Medical Center to produce the requested records because Plaintiff did not certify having conferred with the Medical Center regarding production of the records and because it did not appear that Plaintiff served the motion on the non-party Medical Center. [Doc. 35 at 2-3]. On September 1, 2023, the Court extended the discovery deadline to October 20, 2023. [9/1/2023 Text Order].

Now pending is Plaintiff's second motion to compel subpoenaed material from the Medical Center [Doc. 45], which the Court construes as a motion to enforce compliance with subpoena. In his motion, Plaintiff reports that, on June 24, 2023, he wrote to "CEO, Dennis Johnson once again requesting the subpoenaed medical records and explaining to Mr. Johnson that [Plaintiff] would have to file a motion to compel if he did not reply." [Id.

at 3]. As of September 11, 2023, Plaintiff had not received the subpoenaed records. [Id.]. Plaintiff served the motion to enforce compliance on the non-party Medical Center and the Medical Center has not responded or moved to quash the subpoena and the Court sees nothing overly burdensome about Plaintiff's request. See Fed. R. Civ. P. 45(d)(3). The Court will grant Plaintiff's motion and order the Catawba Valley Medical Center to produce the requested records within fourteen (14) days of this Order.

ORDER

IT IS, THEREFORE, ORDERED that Plaintiff's Motion [Doc. 45] is **GRANTED**.

IT IS FURTHER ORDERED that the Catawba Valley Medical Center shall produce the requested medical records to Plaintiff within 14 days of the date of this Order at the following address:

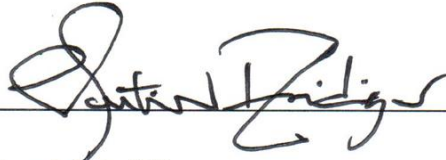
Austin R. Pittman
#0592009
Central Prison
1300 Western Blvd.
Raleigh, North Carolina 27606

The Clerk is respectfully instructed to send a copy of this Order and Docket Nos. 27, 27-1, and 31 by certified mail to the:

Catawba Valley Medical Center
c/o Dennis Johnson & Medical Records Custodian
810 Fairgrove Church Road,
Hickory, North Carolina 28602

IT IS SO ORDERED.

Signed: September 29, 2023

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger
Chief United States District Judge

